

REMARKS

Claims 43 – 81 and 95 – 97 are pending in the present application. By this Amendment, claims 43, 47, 48, 50, 54, 55, 57, 61, 62, 67 – 81 and 95 – 97 has been amended and claims 44 – 46, 49, 51 – 53, 56, 58 – 60 and 63 have been canceled. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated August 27, 2003.

Claim Objections

Claims 67 – 81 and 95 – 97 stands objected to on pages 2 and 3 of the Action due to minor informalities. However, each of claims 67 – 81 and 95 – 97 has been amended to correct such informality. As such, withdrawal of this objection is respectfully requested.

Allowable Claim Subject Matter:

Applicants gratefully acknowledge the indication in item 16 of the Office Action that claims 67 – 81 and 95 – 97 would be allowable, if amended, to overcome the objections to these claims.

As stated above, each of claims 67 – 81 and 95 – 97 has been amended to overcome the claim objections. Accordingly, it is respectfully submitted that claims 67 – 81 and 95 – 97 are now allowable.

Applicants also gratefully acknowledge the indication in item 15 of the Office Action that claims 47, 48, 54, 55, 61 and 62 would be allowable, if amended, to include all of the limitations of the base claim and any intervening claims.

It is respectfully submitted that each of claims 47, 48, 54, 55, 61 and 62 has been rewritten into independent to include the features of their respective base claims. Thus, it is respectfully submitted that newly amended independent claims 47, 48, 54, 55, 61 and 62 are now allowable.

As to the Merits

As to the merits of this case, the Examiner sets forth the following rejections:

- 1) claims 43, 44, 45, 49, 50 – 53, 56 – 59 and 63 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hsu (U.S. Patent No. 6,151,424) in view of Avinash (U.S. Patent No. 5,832,134);
- 2) claims 46, 53 and 60 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hsu in view Avinash and Nagaya (U.S. Patent No. 5,862,833); and
- 3) claims 64 - 66 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hsu in view of Avinash and Murata (U.S. Patent No. 6,445,833).

Each of these rejections is respectfully traversed.

Independent Claims 43, 50 and 57:

Independent claims 43, 50 and 57, as amended, now call for wherein said process of consolidating information of each pixel in said object image each for said region in said extraction step is the process of averaging information of each pixel in said object image each for said region.

With regard to these features, the Examiner asserts that “the averaging process is performed by means of or during the GLOBAL segmentation of the pixel regions. For to globally segmenting all the pixel region is to adding and dividing (e.g., taking the average) the pixels of each of the regions to resulting to a segmented whole image.”¹

However, the GLOBAL segmentation disclosed by Hsu does not take an average of the pixels and is instead concerned with changing the tone of a pixel to correspond with the tone of the region. That is, according to Hsu, “If GLOBAL segmentation is being performed, change the tone of the correct pixel to the tone of that region.”²

That is, Hsu and Avinash, singly or in combination, fail to disclose the features of independent claims 43, 50 and 57 concerning wherein said process of consolidating information of each pixel in said object image each for said region in said extraction step is the process of averaging information of each pixel in said object image each for said region.

¹ Please see, lines 8 – 11, page 5 of the Action.

² Please see, lines 51 – 53, column 9 of Hsu.

Independent Claims 64-66:

With regard to independent claims 64 – 66, each of these claims calls for extracting as said object portion a region having said mean value within a predetermined range out of said plurality of regions. The Examiner relies on the secondary reference of Murata, for disclosing “the region row having the greatest mean value of the depth information is extracted.”³ However, these claims each call for extracting a region having a mean value within a predetermined range and not a region having the greatest mean value. Thus, Murata fails to disclose the features of independent claims 64 – 66.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

³ Please see, lines 64 – 66, column 35 of Murata.

Response under 37 C.F.R. §1.11

Attorney Docket No. 990191B

Serial No. 09/994,829

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosures: Petition for Extension of Time (Two Months)
Amendment Transmittal

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